

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEON BAILEY,)
v. Plaintiff,) No. C08-1020RSL
JOHN ROBINSON JR., et al.,) ORDER STAYING CASE
Defendants.)

This matter comes before the Court on a “Motion for Stay of Proceedings” filed by defendants Terry Holzhausen, Robert Moyer, and Odie Mefford. Dkt. # 56. Defendant Holzhausen has been deployed to Iraq as a member of the United States Army and requests a stay pursuant to 50 App. U.S.C. § 522. Because defendant Holzhausen has not met one of the conditions set forth in § 522(b)(2), a stay is not mandatory: the Court has discretion to grant or deny the stay depending on the circumstances presented.

The Servicemembers Civil Relief Act authorizes the stay of any civil action or proceeding while a party is in military service or within 90 days after termination of military service. 50 App. U.S.C. § 522(a). The purpose of the Act is to “strengthen[] and expedite the national defense” by enabling servicemembers “to devote their entire energy to the defense needs of the Nation” 50 App. U.S.C. § 502(1). Defendant Holzhausen litigated this action while he was stationed in the United States, but he has now been transferred to Iraq where he has intermittent contact with his attorneys and no opportunity to return to this district to deal with the

1 exigencies of litigation. Defendant Holzhausen has a tough job to do: his focus must be on the
2 tasks at hand, for his and all of our benefits. Asking him to juggle this litigation while deployed
3 in a foreign country is unfair and unnecessary. A temporary suspension of this judicial
4 proceedings will avoid any adverse impact on defendant Holzhausen's interests without
5 compromising the other parties' right to seek relief and/or offer a defense.¹

6 For all of the foregoing reasons, defendants' motion for stay of proceedings is
7 GRANTED. This litigation and all related proceedings are hereby STAYED until September
8 30, 2009. If an application for additional stay is filed under 50 App. U.S.C. § 522(d)(1), it shall
9 contain the information required under 50 App. U.S.C. § 522(b)(2), including a letter or other
10 communication from the servicemembers' commanding officer.

12 Dated this 20th day of May, 2009.

14 

15 Robert S. Lasnik
16 United States District Judge

24 ¹ Allowing this case to proceed between the other parties in defendant Holzhausen's absence
25 would be inefficient and unproductive. Upon his return from service, defendant Holzhausen would have
26 the right to retake depositions and issue his own interrogatories and requests for production. In addition,
 the Court would be hesitant to schedule a trial in this matter until defendant Holzhausen became
 available to participate and/or testify. Thus, a rush to conduct discovery now would be unavailing.